United Nations A/C.6/65/SR.1

General Assembly
Sixty-fifth session

Official Records

Distr.: General
21 October 2010

Original: English

Sixth Committee

Summary record of the 1st meeting
Held at Headquarters, New York, on Monday, 4 October 2010, at 10 a.m.

Chairperson: Ms. Picco ..... (Monaco)

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10-56556 (E)

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The meeting was called to order at 10.10 a.m.

Tribute to the memory of Shabtai Rosenne, leading expert in international law

1. **The Chairperson** paid tribute to the memory of Shabtai Rosenne, a leading expert in international law, and highlighted a number of his accomplishments as both diplomat and academic.

2. *At the invitation of the Chairperson, the members of the Committee observed a minute of silence.*

3. **Ms. Schonmann** (Israel) expressed appreciation for the tribute paid to the memory of Shabtai Rosenne, who had played a major role in advancing respect for international law and in promoting its use for peace and the welfare of nations.

Election of the Rapporteur

4. **The Chairperson** recalled that as at 11 June 2010, when the Committee had elected its officers for the sixty-fifth session of the General Assembly, the Group of Latin American and Caribbean States had not yet nominated a candidate for Rapporteur. She had since been informed that the Group of Latin American and Caribbean States had nominated Ms. Cabello de Daboin (Bolivarian Republic of Venezuela) for the post of Rapporteur.

5. *Ms. Cabello de Daboin was elected Rapporteur by acclamation.*

Organization of work (A/C.6/65/1; A/C.6/65/L.1)

6. **The Chairperson** drew attention to the allocation of agenda items to the Committee, as contained in document A/C.6/65/1, and to the note by the Secretariat entitled "Organization of work" (A/C.6/65/L.1), in particular paragraphs 7 to 11 concerning the establishment of working groups.

7. With regard to agenda item 140, "Administration of justice at the United Nations", it was her understanding that the Committee wished, in accordance with the decision by the General Assembly, to establish a working group to be chaired by Mr. Sivagurunathan (Malaysia), with a view to continuing the consideration of the outstanding legal aspects of the administration of justice at the United Nations, taking into account the results of the deliberations of the Fifth and Sixth Committees on the item, previous decisions of the Assembly and any further decisions that the Assembly might have taken during its sixty-fourth session, and that the working group would be open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency (IAEA).

8. *It was so decided.*

9. **The Chairperson**, referring to agenda item 107, "Measures to eliminate international terrorism", said it was her understanding that the Committee wished, in accordance with the recommendation of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996, to establish a working group, to be chaired by Mr. Perera (Sri Lanka), with a view to finalizing the draft comprehensive convention on international terrorism and continuing to discuss the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations, and that the working group would be open to all States Members of the United Nations or members of specialized agencies or of IAEA.

10. *It was so decided.*

11. **The Chairperson**, referring to agenda item 75, "Responsibility of States for internationally wrongful acts", said it was her understanding that the Committee wished to establish a working group, the chairperson of which was as yet undetermined, to further examine the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles on responsibility of States for internationally wrongful acts, and that the working group would be open to all States Members of the United Nations or members of specialized agencies or of IAEA.

12. *It was so decided.*

13. **The Chairperson**, referring to agenda item 80, "Diplomatic protection", said it was her understanding that the Committee wished to establish a working group, the chairperson of which was as yet undetermined, to further examine the question of a convention on diplomatic protection, or any other appropriate action, on the basis of the articles drafted by the International Law Commission on diplomatic protection, and that the working group would be open to all States Members of the United Nations or members of specialized agencies or of IAEA.

14. *It was so decided.*

15. **The Chairperson** drew attention to the proposed timetable for the Committee's work, contained in paragraphs 3 to 6 of the note entitled "Organization of work" (A/C.6/65/L.1). In accordance with established practice, the proposed work programme would be applied with flexibility in light of the progress made by the Committee, which would take action on draft resolutions as soon as they were ready for adoption.

16. The Committee must allow sufficient time for preparation and consideration of the estimates of expenditure arising from draft resolutions. Since it was scheduled to conclude its work on 11 November 2010, all draft resolutions with financial implications must be submitted to the Fifth Committee by 31 October 2010, except for those relating to agenda items scheduled to be considered after that date. She took it that the Committee wished to proceed accordingly.

17. *It was so decided.*

18. **The Chairperson** stressed that the Committee was required to make full use of conference resources and facilities. Although over the past four sessions it had shown an improvement in that regard, during its most recent session it had lost almost eight hours because of meetings ending early. Its conference service utilization factor would improve further if discussions began on time and if, in the event that the Committee was unable to proceed with discussion of an item, delegations were prepared to consider the next item on the agenda.

19. She took it that the Committee wished, as in the past, to follow the practice of the General Assembly in giving precedence on the list of speakers to representatives of regional groups or other groups of States.

20. *It was so decided.*

21. **The Chairperson** drew attention to paragraph 13 of General Assembly resolution 59/313, which invited Member States that were aligned with statements already made by the chair of a group of Member States, where possible, to focus additional interventions made in their national capacity on points that had not already been adequately addressed in the statements of the groups in question, bearing in mind the sovereign right of each Member State to express its national position.

Agenda item 140: Administration of justice at the United Nations (A/65/86, A/65/303, A/65/304 and A/65/373)

22. **The Chairperson** introduced agenda item 140, entitled "Administration of justice at the United Nations".

The meeting rose at 10.50 a.m.

United Nations A/C.6/65/SR.2

General Assembly
Sixty-fifth session

Official Records

Distr.: General
25 October 2010

Original: English

Sixth Committee

Summary record of the 2nd meeting
Held at Headquarters, New York, on Tuesday, 5 October 2010, at 10 a.m.

Chairperson: Ms. Picco ..... (Monaco)

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Agenda item 107: Measures to eliminate international terrorism

Tribute to the memory of Ms. Paula Escarameia, member of the International Law Commission

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10-56706 (E)

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The meeting was called to order at 10.15 a.m.

Agenda item 107: Measures to eliminate international terrorism (A/65/37, A/65/89 and A/65/175 and Add.1 and Add.2)

1. **Ms. Rodríguez-Pineda** (Guatemala), speaking on behalf of the Chairman of the Ad Hoc Committee established by General Assembly resolution 52/210 and introducing the report of the Ad Hoc Committee (A/65/37), said that, at its fourteenth session, the Ad Hoc Committee had held three plenary meetings, on 12 and 16 April 2010, as well as a round of informal consultations and other informal contacts on the draft comprehensive convention on international terrorism. Informal consultations had likewise taken place on the question of convening a high-level conference under United Nations auspices to formulate a joint response by the international community to terrorism in all its forms and manifestations.

2. The discussions had focused on draft article 18, on the convention's scope of application. They continued to be based on the text presented by the Coordinator at the Ad Hoc Committee's eleventh session (A/62/37, annex, para. 14), which contained elements of a package that might bridge the divergent views held. The negotiating process had been long, and the expectation was that it would soon be brought to a successful conclusion. It was essential to avoid failure in that important task mandated by the General Assembly. Complex as the issues were, the stakes in combating international terrorism could not be higher. It was encouraging that the importance of concluding the draft comprehensive convention had been emphasized during the recent review of the Global Counter-Terrorism Strategy, in General Assembly resolution 64/297 and in a presidential statement made on behalf of the Security Council (S/PRST/2010/19).

3. **The Chairperson** said that completion of the draft convention would be a significant contribution to the legal framework for combating international terrorism. Delegations should do their utmost to take the final step to finish the work done so far in the protracted negotiations on the convention.

4. **Mr. Janssens de Bisthoven** (Belgium), speaking on behalf of the European Union; the candidate countries Croatia, Iceland, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina and Serbia; and, in addition, Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine, said that terrorism was criminal and unjustifiable and must be prevented, prosecuted and punished. Any attempts to link terrorism to any culture or religion were to be condemned. Combating terrorism must remain a priority for the United Nations, the only world body qualified to lead and coordinate that struggle.

5. The European Union strongly supported the Security Council committees established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004), which formed the core of the Organization's response to terrorism, and called on Member States to implement fully those and other relevant resolutions. He was pleased to note that the Security Council had taken steps to introduce due process considerations in the United Nations sanctions regimes and welcomed the recent appointment of the Ombudsman pursuant to Security Council resolution 1904 (2009).

6. Too often, the harrowing experiences of the victims of terrorism were ignored, as media coverage was dominated by the terrorists themselves. The voices of the victims must be heard, however, not only because it was morally right to hear the dreadful consequences of terrorism, but also because such stories often exposed the hollow claims of terrorists. All Member States should adopt appropriate measures to help victims cope with the aftermath of terrorist attacks.

7. The European Union was concerned about the increase in incidents of kidnapping and hostage-taking with the aim of raising funds or gaining political concessions. It welcomed the reaffirmation of the Global Counter-Terrorism Strategy during the second review, held in September 2010, and renewed its call for the implementation of the Strategy on the basis of a global and integrated approach that showed respect for the rule of law and involved all stakeholders. The European Union welcomed the progress made towards the institutionalization of the Counter-Terrorism Implementation Task Force and encouraged it to continue fulfilling its mandate, taking into account the relevant aspects of the resolution adopted during the review (General Assembly resolution 64/297). All the entities that made up the Task Force, including those concerned with development issues, should engage fully in its activities, both in New York and in the field.

8. Measures to combat terrorism must comply with international law, including human rights law, refugee law and humanitarian law. Member States should become parties to all United Nations counter-terrorism instruments, which formed the legal basis for the fight against terrorism. The draft comprehensive convention should become a vital enforcement instrument in joint counter-terrorism efforts. The discussions held at the fourteenth session of the Ad Hoc Committee had been promising in that regard; the European Union remained open to further consideration of the package proposal put forward by the Coordinator in 2007. The question of convening an international conference on combating terrorism should be considered only after agreement on the draft convention had been reached. Because terrorism fed on prejudice and ignorance, the European Union would continue its efforts to strengthen dialogue and understanding between cultures, which must involve all actors: States, regional organizations and civil society.

9. **Ms. Aitimova** (Kazakhstan), speaking on behalf of the Shanghai Cooperation Organisation (SCO) countries (China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan), said that strengthening collective international cooperation mechanisms was the only means for effectively counteracting the global threat of terrorism. The SCO countries advocated strengthening the central coordinating role played by the United Nations, which was uniquely suited for that purpose. In fighting terrorism, effective cooperation was needed in order to eschew double standards and stringently observe the norms and fundamental principles of international law.

10. The SCO countries believed that full-scale implementation of the Global Counter-Terrorism Strategy, the relevant resolutions of the United Nations Security Council and General Assembly and the universal counter-terrorism conventions was the most crucial task in improving the international system for combating terrorism. The countries welcomed the outcome of the second biennial review of the Global Counter-Terrorism Strategy, which reaffirmed the role played by regional organizations, and the signing of the Joint Declaration on Cooperation between the United Nations and the Shanghai Cooperation Organisation in April 2010.

11. Given the presence of different religions and cultures on their territories, SCO members were gravely concerned with the expansion of terrorist ideology. It was critical for the condemnation of terrorism to become an intrinsic part of the dialogue between religions and civilizations. The SCO countries actively supported the widespread prevention of terrorism and attached great importance to cooperation between States, civil society, the media and the private sector in counter-terrorism efforts.

12. The SCO countries were striving to improve the operation of the Regional Counter-Terrorism Structure, which coordinated the work of the competent authorities of the members of the Organisation by developing joint counter-terrorism exercises and sharing the experience of national counter-terrorism units. The SCO countries favoured greater interaction between that entity and the corresponding United Nations agencies.

13. The SCO countries had contributed to the strengthening of the international legal basis for counter-terrorism cooperation in the form of the Shanghai Convention on Combating Terrorism, Separatism and Extremism and the Agreement on Cooperation in the Field of Ensuring International Information Security. She expressed the hope that the experience of the SCO countries would prove useful in finalizing the draft comprehensive convention on international terrorism.

14. The SCO member States considered the dangerous nexus of terrorism and organized crime, in particular drug trafficking, that had formed on the territory of Afghanistan to be the leading destabilizing factor in Central Asia. They therefore called on the international community to support the Government of Afghanistan in the implementation of its National Drug Control Strategy and supported the vigorous revitalization of efforts to break the ties between terrorism and organized crime.

15. **Ms. Millard-White** (Trinidad and Tobago), speaking on behalf of the Caribbean Community (CARICOM), said that the CARICOM States associated themselves with the statement to be delivered on behalf of the Non-Aligned Movement. Terrorism was a menace to the economic, social and political well-being of the global community. The Caribbean had not been spared the dire consequences of such destabilizing criminal activity: the hijacking and bombing of an aircraft in the Caribbean Sea more than 30 years in the past had not been forgotten. The refugee or other legal status of the organizers or

facilitators of terrorist activity must not be a barrier to their prosecution or extradition.

16. While the international community had mobilized significant resources and efforts to achieve the eradication of terrorism, greater coordination among the relevant bodies was needed to ensure a comprehensive and efficient approach to dealing with that scourge. The CARICOM States fully supported the Global Counter-Terrorism Strategy and welcomed the work of the Counter-Terrorism Implementation Task Force to promote cooperation in carrying out the Strategy. If the United Nations failed to coordinate the fight against terrorism, States might resort to their own measures, which might ultimately be counterproductive.

17. A universally accepted legal definition of terrorism was crucial to ending the impunity of perpetrators of the heinous crimes committed, hence the importance of the negotiations on a comprehensive convention on international terrorism, which would benefit from the convening of a high-level conference under United Nations auspices as a way to harness the political will required to reach a successful conclusion.

18. No cause could justify terrorism. The CARICOM States unequivocally condemned it in all its forms and manifestations. They supported the exercise of the legitimate right of self-determination, however, as distinguished from the exploits that constituted acts of terrorism. In their efforts to combat terrorism, the CARICOM States were implementing domestic legislation and pursuing regional initiatives such as the CARICOM Maritime and Air Space Security Cooperation Agreement. As small developing States, CARICOM members were constrained by limited resources and technical capacity. Consequently, although they remained committed to carrying out Security Council resolutions 1373 (2001) and 1540 (2004), they called for a review of the burdensome reporting obligations they entailed.

19. **Mr. Khazaee** (Islamic Republic of Iran), speaking on behalf of the Non-Aligned Movement, said that the Movement unequivocally condemned terrorism as a crime and rejected all its forms and manifestations, including acts in which States were directly or indirectly implicated. Terrorism was a flagrant violation of international law, international humanitarian law and human rights, in particular the right to life.

20. The brutalization of peoples under foreign occupation must be denounced as the worst form of terrorism. Nevertheless, terrorism should not be equated with the legitimate struggle of peoples to achieve self-determination and national liberation, nor should it be associated with any religion, nationality, civilization or ethnic group, and any such association should not be used to justify measures such as profiling and breaches of privacy.

21. All States should honour their obligations under international law and international humanitarian law to combat terrorism by prosecuting or extraditing the perpetrators and by preventing them from organizing, instigating or financing terrorist acts against other States from within or outside their territory. States themselves should refrain from organizing, instigating, abetting, financing or participating in such acts in the territory of other States and from supplying weapons or arms which could be used for that purpose. They should refuse to provide political, diplomatic, moral or material support for terrorism and ensure that the perpetrators, organizers or facilitators of terrorist acts did not abuse refugee or any other legal status. All States which had not yet done so should consider becoming parties to the international instruments on combating terrorism.

22. The Non-Aligned Movement called on the Security Council sanctions committees to streamline their listing and de-listing procedures in order to ensure due process and transparency. It would be useful to convene a high-level conference under the auspices of the United Nations to formulate an organized response to terrorism and to identify its root causes. The draft comprehensive convention on international terrorism should be finalized, and all States should cooperate in resolving the outstanding issues.

23. The Movement reaffirmed its support for the Global Counter-Terrorism Strategy and for the proposal to establish an international counter-terrorism centre. It supported the initiative to draft an international counter-terrorism code of conduct pending the conclusion of the draft comprehensive convention.

24. Lastly, the Movement expressed concern at the increase in kidnapping and hostage-taking for the purpose of raising funds or gaining political concessions.

25. **Mr. Adi** (Syrian Arab Republic), speaking on behalf of the Organization of the Islamic Conference (OIC), said that the OIC members strongly condemned all acts of terrorism, irrespective of their motivation, objectives, forms and manifestations, and were convinced that it could never be justified. In that connection, he drew attention to the Final Communiqué of the OIC Summit, held in Dakar in March 2008; to Resolution No. 20/37-POL, adopted at the thirty-seventh session of the OIC Council of Foreign Ministers, held in Dushanbe in May 2010, and to the Joint Communiqué of the Annual Coordination Meeting of Foreign Ministers of the OIC Member States, held in New York in September 2010. Terrorism should not be associated with any religion, race, faith, theology, values, culture, society or group; in an increasingly globalized world, there was a growing need to build bridges among cultures and peoples.

26. Only through a coordinated approach would the international community be able to combat terrorism effectively. The root causes of terrorism had to be addressed, including the unlawful use of force, international disputes, denial of the right of peoples living under foreign domination to self-determination, political and economic injustices and political marginalization and alienation. Member States should cooperate to ban the payment of ransom to terrorist groups. The Global Counter-Terrorism Strategy should be implemented in all its aspects and reviewed regularly.

27. The OIC members reaffirmed their determination to support the finalization of the draft comprehensive convention on international terrorism by resolving the outstanding issues relating to the legal definition of terrorism, particularly the distinction between terrorism and the struggle for self-determination and the scope of the acts covered by the draft convention. He reiterated the call for the holding of a high-level conference under the auspices of the United Nations to formulate a joint response by the international community to terrorism and to conclude an agreed definition of terrorism. OIC members also reiterated their support for the establishment of an international counter-terrorism centre under United Nations auspices, as well as for efforts to develop an international counter-terrorism code of conduct.

28. **Mr. Errázuriz** (Chile), speaking on behalf of the Rio Group, said that since terrorism was a transnational phenomenon, it could be contained only through international cooperation, in which the United Nations must play the central role. In that context, the Rio Group firmly supported the Global Counter-Terrorism Strategy, which addressed the conditions conducive to the spread of terrorism and highlighted the need to respect human rights and the rule of law in combating it. The Counter-Terrorism Implementation Task Force should be institutionalized so that Member States could interact with it regularly during the General Assembly and provide it with policy guidance. Moreover, cooperation between regional and subregional organizations in implementing the Strategy should be strengthened.

29. In order to prevent and suppress terrorism, it was essential to identify and eliminate factors that might trigger terrorist acts, including political, ethnic, racial and religious intolerance and social and economic disparities between nations. States must work to prevent the financing and preparation of terrorist acts by improving legal cooperation and the exchange of information between police and financial intelligence units. Counter-terrorism measures must always comply strictly with international law: only measures that were consonant with the Charter of the United Nations and other relevant instruments would be supported by the international community, and thus be likely to succeed.

30. Member States should do their utmost to build on the progress made at the fourteenth session of the Ad Hoc Committee in order to finalize the draft comprehensive convention. Delegations needed to show flexibility and accept that the final text might not accommodate all of their own wishes. He commended the Coordinator for the valuable proposals made in an attempt to bridge the gaps between delegations and expressed the hope that it would soon be possible to convene a high-level conference on terrorism.

31. **Mr. Appreku** (Ghana), speaking on behalf of the African Group, said that as terrorists had become more dangerous and desperate, the response of the international community must become more determined and diligent. At the fifteenth ordinary session of the Assembly of Heads of State and Government of the African Union, held in Kampala, Uganda, in July 2010, African leaders had emphasized the need for sustained efforts to address the scourge of terrorism.

32. Africa had long recognized the need for concrete measures to counter terrorism, as evidenced by the

adoption in 1999 of the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism and the establishment of the African Centre for Study and Research on Terrorism. While endeavouring to live up to their international obligations in apprehending terrorists and investigating and preventing terrorist acts, however, African States were impeded by inadequate resources, and they therefore appealed to the international community for the requisite assistance.

33. The efforts to draft a comprehensive convention on international terrorism were appreciated, but such an instrument must not undermine the right of peoples to self-determination. As for the proposal to convene a high-level conference on the international response to terrorism, the African Group felt it deserved serious consideration.

34. **Ms. Robertson** (Australia), speaking on behalf of the CANZ group of countries (Canada, Australia and New Zealand), said that successes in counter-terrorism had been offset by the rise of new terrorist groups. Greater international and regional cooperation was therefore needed now more than ever. Closing the remaining gaps in the legal framework for counter-terrorism was vital to that process. The CANZ countries welcomed the recent adoption of the Beijing Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation and the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft, and they would pursue efforts to conclude the draft comprehensive convention on international terrorism.

35. Within the United Nations, the Counter-Terrorism Executive Directorate, the Counter-Terrorism Implementation Task Force and the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime provided valuable guidance and useful linkages. Moreover, all Member States should bolster their efforts to implement the Global Counter-Terrorism Strategy. The Security Council sanctions committees also played an important role in counter-terrorism, especially with regard to their efforts to designate terrorist groups.

36. In the Asia and Pacific region, where terrorism was a real threat, regional cooperation, in particular the development of effective cross-border legal frameworks, was crucial, but must be balanced by appropriate safeguards and accountability. Ways must be found to streamline reporting obligations for small States, thereby encouraging more regular feedback.

37. Terrorist organizations affiliated with Al-Qaida in Africa and the Arabian peninsula had demonstrated their will and capacity to strike beyond national borders and posed a real threat to regional and international security. In that context, the suppression of terrorist acts must be accompanied by efforts to prevent the financing of terrorism, including through legitimate activities or illegal ones such as drug trafficking, extortion and financial crime.

38. **Mr. Salem** (Egypt) said that any perceived connection between terrorism and a particular religion or culture would only inflame hatred among peoples, thereby favouring the terrorists. It was essential to address the underlying causes of terrorism by eliminating double standards, politicization and selectivity; ending foreign occupation and State terrorism; and recognizing the right of peoples to self-determination.

39. The draft comprehensive convention on terrorism should be finalized in order to complement the existing sectoral instruments and strengthen the international legal framework. The convention should include a clear definition of terrorism, which should exclude the legitimate struggle for self-determination of peoples under foreign occupation or colonial or alien domination. The scope of the acts covered by the draft convention should also be addressed.

40. A high-level conference on countering terrorism should be convened under the auspices of the United Nations in order to foster a joint response, strengthen cooperation among Member States and promote the conclusion of a comprehensive convention. Such a conference had been advocated at the fifteenth summit of Heads of State and Government of the Non-Aligned Movement, held in Sharm el-Sheikh in July 2009, and at subsequent meetings of the African Union and League of Arab States.

41. His country welcomed the institutionalization of the Counter-Terrorism Implementation Task Force and the second biennial review of the United Nations Global Counter-Terrorism Strategy, which had reaffirmed the primary responsibility of Member States to implement the Strategy. The review would help to make the Strategy into a continuous effort.

42. **Mr. Dahlan** (Malaysia) said that his country welcomed the adoption on 10 September 2010 of the Convention on the Suppression of Unlawful Acts relating to Civil Aviation (Beijing Convention of 2010) and the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing Protocol of 2010). Those instruments had updated the existing sectoral conventions by specifically criminalizing the act of using civilian aircraft as a weapon and the use of dangerous materials to attack aircraft or other targets on the ground.

43. The previous year had seen the continuation, not to mention escalation, of suicide bombings, assassinations and coordinated attacks against civilian property. Such countries as Iraq, Afghanistan and Pakistan had been particularly affected. Greater emphasis should therefore be placed on de-radicalization and on preventing the use of the Internet to recruit terrorists, disseminate propaganda and acquire financial and logistical support. Longer-term approaches should include democratization, education, improvement of economic conditions and the resolution of such problems as the Palestinian-Israeli conflict.

44. The examples of Jemaah Islamiyah, Al-Qaida and the Abu Sayyaf Group showed that terrorists could exploit any gap in legislation or law enforcement. Consequently, his country had established a special task force to spearhead operational intelligence and strengthen relationships with national and international counter-terrorism agencies.

45. Malaysia was taking action to accede to the remaining international counter-terrorism conventions, and was examining the Beijing Convention and Protocol. His delegation looked forward to further discussions on the elaboration of a draft comprehensive convention on terrorism; the way forward lay in addressing the legitimate concerns of all parties.

46. It was important to convene a high-level conference under the auspices of the United Nations. That initiative should not be contingent on the finalization of the draft comprehensive convention. Nor should counter-terrorism measures violate national sovereignty, territorial integrity or the political independence of States.

47. **Mr. Barriga** (Liechtenstein) said that the Committee should allocate as little time and as few resources as possible to the ritual negotiation of a resolution on combating terrorism. Instead, the focus should be on finalizing the draft comprehensive convention. There was increasing support for a compromise: the Coordinator's proposal, which was legally sound and politically realistic, constituted the only way forward. It clarified issues regarding the application of international humanitarian law and was consistent with other counter-terrorism instruments approved by the Committee. The compromise proposal had been presented in 2007 and had not thus far met with any explicit objection. He hoped that progress could be made during the current session. Otherwise, the wisdom of convening the Ad-Hoc Committee and the Sixth Committee to discuss the topic biannually would be open to question.

48. **Ms. Rodriguez-Pineda** (Guatemala) said that her country's geographic location made it a transit point for trafficking in drugs, small arms and light weapons. That fact, coupled with its extreme poverty, made it vulnerable to the commission of terrorist acts. The United Nations Office on Drugs and Crime (UNODC) and the Security Council had noted the increasing linkage between trafficking in weapons and drugs and the financing of terrorism. Moreover, transnational criminal networks were using information and communication technologies to diversify and connect their operations. Member States should therefore intensify their cooperation as a common and shared responsibility. For example, in 2011 Guatemala would host an international conference on support for the Security Strategy for Central America and Mexico.

49. Her delegation supported full implementation of the Global Counter-Terrorism Strategy at all levels. However, implementation of the Strategy would not be complete without the conclusion of a comprehensive convention on international terrorism, something that was long overdue. She called on delegations to show flexibility in order to adopt a consensus text.

50. **Mr. Nikolaichik** (Belarus) said that terrorism could only be eliminated through consolidated and complementary measures taken by Governments and international organizations at the global and regional levels. The successful implementation of the Global Counter-Terrorism Strategy depended on a reliable international legal basis for counter-terrorism efforts by States, where the norms and principles of international law, including human rights, refugees rights and humanitarian law were observed. A significant contribution by the General Assembly to

that end would be the speedy conclusion of work on the draft comprehensive convention on international terrorism.

51. His delegation welcomed the presumption of the law-enforcement nature of the draft convention and its ability to coexist with prior international legal regimes without prejudicing them. A strong rationale was needed, however, for considering outstanding issues in an accompanying resolution. He did not doubt that the accompanying resolution would be a highly authoritative document offering an authentic interpretation of the clauses of the draft convention in accordance with article 31, paragraph (2) (b), of the Vienna Convention on the Law of Treaties. On the other hand, excluding fundamental provisions from the draft convention by transposing them into the accompanying resolution would decrease the authority of the convention itself and take the debate on the outstanding issues out of the expert format of the Ad Hoc Committee, which was unlikely to lead to earlier resolution.

52. His delegation believed the proposal to call a high-level conference to address unresolved issues in the draft convention deserved serious consideration. The high-level conference needed to be presented with the concrete results of the Ad Hoc Committee's deliberations and specific proposals for resolving existing disagreements. Calling a high-level conference when Member States diverged on fundamental questions would be counterproductive.

53. Heeding the concerns of the Security Council, including the presidential statement of 27 September 2010 (S/PRST/2010/19), his Government had taken action to strengthen counter-terrorism cooperation at the regional and subregional levels. In an example of the great potential of regional counter-terrorism cooperation, Belarus had signed an agreement on the establishment of a collective rapid response force with the Collective Security Treaty Organization (CSTO) and signed a memorandum granting it the status of a dialogue partner in the Shanghai Cooperation Organisation.

54. He stressed that international conventions on the prevention of crime and terrorism needed to remain open in order to prevent impunity. In conclusion, he underlined the importance of technical assistance from organizations such as UNODC and the International Atomic Energy Agency (IAEA) for national capacity-building efforts with respect to counter-terrorism.

55. **Mr. Omaish** (Jordan) said that terrorism could not be connected to any religion or culture, and required a global response. The Coordinator of the draft comprehensive convention had made several statements interpreting the hierarchy and linkage between international humanitarian law and the draft convention. In light of those statements, draft article 18, paragraph 5, deserved serious and prompt consideration.

56. Jordan had taken practical steps at the national level in order to combat terrorism, notably by tightening border controls and adopting legislation on terrorism and money-laundering. Public institutions were in place in order to protect the rights of victims. His country supported the establishment of an international counter-terrorism centre in Saudi Arabia, the convening of a high-level conference on counter-terrorism and the formulation of an international counter-terrorism code of conduct.

57. **Mr. Wang** Min (China) said that counter-terrorism action should refrain from applying double standards; terrorism could not be connected to any specific civilization, ethnic group or religion. It was important to address the causes of terrorism, including poverty, social strife and the use of force to intimidate the weak. China welcomed the second biennial review of the United Nations Global Counter-Terrorism Strategy. There was a need for greater coordination among the Counter-Terrorism Implementation Task Force, the Security Council committees established pursuant to resolutions 1267 (1999) and 1373 (2001), respectively, and the other United Nations counter-terrorism bodies. The United Nations should also increase its assistance to developing countries in order to enhance their counter-terrorism capacity. In that context, the Shanghai Cooperation Organisation had a critical role to play.

58. China had ratified 12 international counter-terrorism instruments, including the International Convention for the Suppression of Acts of Nuclear Terrorism. His country was working diligently to implement the relevant Security Council resolutions and to monitor the institutions and individuals concerned. At the regional level, his Government had concluded bilateral agreements and intensified cooperation with neighbouring States.

59. In view of the increasing diversification of terrorist activities, it was important to finalize a comprehensive convention on the topic. In view of the slowness of the drafting process thus far, his delegation called on all stakeholders to show the necessary political will and adopt a constructive approach. China was in favour of convening a high-level conference under the auspices of the United Nations when conditions were ripe.

60. **Mr. Mokin** (Russian Federation) said that the threat posed by terrorism remained unabated, as evidenced by a spate of terrorist acts that either took place or were prevented around the globe. Continued counter-terrorism efforts needed to be conducted, with the United Nations in a central coordinating role and in accordance with the Charter of the United Nations and the principles and norms of international law. The United Nations Global Counter-Terrorism Strategy was a key international counter-terrorism instrument and needed to be broadly implemented. While much progress had already been made in that regard, there remained much untapped potential in the document, as evidenced by the outcome of the second biennial review of the Global Counter-Terrorism Strategy.

61. The United Nations Security Council was the nucleus of the Organization's counter-terrorism efforts. The Russian Federation commended the measures being carried out by the Counter-Terrorism Committee and the Security Council committees established pursuant to resolutions 1267 (1999) and 1540 (2004) and was committed to strengthening cooperation between the General Assembly and the Security Council, in particular with regard to the implementation of resolutions 1373 (2001) and 1624 (2005).

62. As for implementing the Global Counter-Terrorism Strategy, he pointed to a Russian Federation initiative encouraging public-private partnerships (PPPs) aimed at combating terrorism. The initiative had been adopted by many other nations and international organizations, including the United Nations, the Group of Eight and the Council of Europe, and would include an international conference on the subject, and a plan to set up an international research institute and publish a research journal on a regular basis.

63. With respect to the participation of regional organizations in global counter-terrorism efforts, he expressed the hope that the joint declaration of cooperation between the Collective Security Treaty Organization (CSTO) and the United Nations would increase the contributions made by that regional organization.

64. The General Assembly needed to accord special attention to strengthening the legal basis for counter-terrorism efforts, increasing the membership in international counter-terrorism conventions and ensuring their widespread implementation. In particular, he highlighted the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism at the initiative of the Russian Federation and expressed support for the Global Initiative to Combat Nuclear Terrorism launched by the Presidents of the Russian Federation and the United States of America.

65. The Russian Federation supported the prompt conclusion of discussions on the draft comprehensive convention on international terrorism, which was expected to significantly strengthen the legal basis for international counter-terrorism cooperation.

66. He expressed grave concern over the growing ties between organized crime and terrorism, in particular the connection between terrorism and drug trafficking. Noting that the drug trade and terrorist activity in Afghanistan fed off one another and threatened international peace and security, he called for more effective assistance from United Nations counter-terrorism resources.

67. Finally, he noted the formation of a terrorism and piracy nexus in certain regions of the world, where profits from piracy were being shared with terrorist organizations.

68. **Mr. Al-Ahmed** (Saudi Arabia) said that his country condemned terrorism irrespective of origin or aim, and had joined in global counter-terrorism efforts. In defining terrorism, it was important to eschew selectivity or double standards. Terrorism could not be connected with any specific religion, society or ethnic group, and its perpetrators did not represent their own societies. Counter-terrorism must not, therefore, amount to a war against Islam or a clash of civilizations. His country was deeply concerned at attempts to equate Islam with terrorism or religious extremism. Terrorist acts were a flagrant violation of authentic Islamic values.

69. Nor should terrorism be confused with the legitimate struggle of peoples under foreign occupation in exercise of their right to self-determination. By the same token, any condemnation of terrorism should include State terrorism such as that practised by Israel against the Palestinian people. The distinction between terrorism and struggle against foreign occupation was enshrined in General Assembly resolution 40/61, which urged all States to contribute to the progressive elimination of the causes underlying international terrorism. It was therefore essential to resolve the Palestinian-Israeli conflict, which was a source of instability and insecurity in the region.

70. Saudi Arabia had been targeted by terrorist acts in the past and had taken action at every level in order to combat that scourge. For example, his country had hosted the Counter-Terrorism International Conference in 2005. Further, the initiative of the King of Saudi Arabia for the establishment of an international counter-terrorism centre under United Nations auspices had met with widespread support. The proposed centre would not take the place of the Security Council committees, but rather would help to ensure coordination. Exchange of information would be voluntary; each State would maintain control over its own security resources.

71. **Mr. Mukungo Ngay** (Democratic Republic of the Congo) said that his delegation reiterated its firm condemnation of terrorism in all its forms and manifestations. His delegation noted the work of the International Atomic Energy Agency, the Organisation for the Prohibition of Chemical Weapons, the United Nations Office on Drugs and Crime (UNODC) and the International Civil Aviation Organization (ICAO) in providing training and of UNODC and the Codification Division of the Office of Legal Affairs in publishing the third edition of *International Instruments related to the Prevention and Suppression of International Terrorism*.

72. His country had submitted multiple reports to the Security Council Committee established pursuant to resolution 1373 (2001), in compliance with paragraph 6 of that resolution, and had also deposited the ratification instrument for the International Convention for the Suppression of Acts of Nuclear Terrorism, among others, in September 2010.

73. International instruments for combating terrorism had been incorporated into Congolese law. Accordingly, the competence of Congolese courts and tribunals, and especially military tribunals, had been established for judging the perpetrators of terrorist acts. The law also allowed for cooperation with other States and competent international and regional organizations, in order to ensure that the perpetrators were brought to justice.

74. The Democratic Republic of the Congo had put new passports into circulation, bringing the country into compliance with the norms and regulations described in International Civil Aviation Organization (ICAO) Document 9303, pertaining to cross-border movement of persons. Further, a law on money-laundering and terrorism financing was in place. At the initiative of the Central Bank of the Congo, a national financial intelligence unit (CENAREF) had been created in 2008 to combat money-laundering.

75. The draft comprehensive convention on international terrorism deserved the delegates' full attention, as it was designed to complement existing conventions and strengthen the legal framework for combating terrorism. In that regard, he encouraged delegates to pursue the conclusion of negotiations. He also recalled the need to convoke, under the auspices of the United Nations, a high-level conference to define the response of the international community to terrorism.

76. **Mr. Benmehidi** (Algeria) said that the international community must be more vigilant than ever in the face of the new threats owing to the alarming facility of terrorists to change their methods in response to any challenges they encountered. Hostage-taking for ransom or to achieve the release of detained terrorists was one example of the terrorists' ability to adapt their methods while inventing new ways of causing harm. The financing of terrorism, including the payment of ransom, called for effective action by the international community; otherwise, it might enable terrorist groups to step up their recruitment efforts, purchase increasingly destructive weapons and consolidate logistical support. In the sub-Saharan region, daily experience attested to that phenomenon. Hence the African Union's call for the strengthening of legal machinery to prohibit the payment of ransom, including through amendments or additional protocols to the International Convention for the Suppression of the Financing of Terrorism or the International Convention against the Taking of Hostages.

77. Its own experience with counter-terrorism had given Algeria particular insight into international efforts to combat it. After 2005, a policy of democratic reconstruction and national reconciliation had helped to alleviate the suffering inflicted by terrorist activities. Consequently, the most enlightened of the terrorists had chosen to lay down their arms. Insidious forms of indoctrination and radicalization were being countered, moreover, by the work of cultural and religious figures and the educational system to demystify terrorism and disassociate it from social malaise, while recalling the true spiritual teachings of religions.

78. Concerted efforts should be made to finalize the draft comprehensive convention, which should include a universally accepted definition of terrorism.

79. **Mr. Badji** (Senegal) said that his country firmly condemned terrorism in all its forms and remained determined to take all measures necessary to fight its spread. Senegal also condemned any attempt to associate terrorism with a given religion, culture, race or ethnicity.

80. He called for concerted action at the national, regional and global levels to combat the scourge of terrorism. The United Nations Global Counter-Terrorism Strategy, for example, demonstrated the international community's will to completely eradicate terrorism. More dynamic and inclusive cooperation, in the form of broader sharing of information and experience, was needed in order to translate that intention into concrete action in the fight against terrorism. In that context, the Counter-Terrorism Implementation Task Force reinforced the harmonization efforts within the United Nations system. Measures aimed at promoting intercultural and interfaith dialogue and fostering tolerance were also important in the effort to combat prejudice and stereotypes, which provided fertile ground for hate and violence and created conditions favourable for radicalization and the propagation of terrorism.

81. For its part, Senegal was a party to 13 international conventions on combating terrorism and was pleased that, with more States acceding to those instruments, the international legal framework had grown stronger and would be further enhanced by the eventual adoption of the draft comprehensive convention. He thanked Ms. Telalian (Greece) for her efforts in coordinating work on the draft convention and invited delegates to come to an agreement on outstanding issues.

82. He stressed that the rule of law in the context of counter-terrorism efforts was of the utmost importance, and that all measures needed to be in conformity with international and humanitarian law and respect for human rights.

83. **Mr. Kleib** (Indonesia) said that his country was on the front line of comprehensive efforts to overcome the scourge of terrorism and had taken many initiatives in that regard, as reflected in the report of the Secretary-General (A/65/175, paras. 37-46). Indonesia's national counter-terrorism strategy, in place since 2006, was being supplemented by legislation focused on stemming terrorism financing. Indonesia had also ratified several of the universal counter-terrorism instruments. In addition, two national bodies had been established that were responsible for implementing counter-terrorism strategies. Combating terrorism was a multifaceted undertaking that depended on an integrated and coordinated approach, with no one tool to be favoured over another.

84. Indonesia had concluded regional cooperation agreements, in particular with its immediate neighbours, and spearheaded regional cooperation in the fields of law enforcement, border control and legislative matters. Together with Australia, it had also established a training centre for law enforcement professionals in the Asia-Pacific region.

85. The battle against terrorism needed to be conducted without undermining international legal principles and human rights. He stressed the importance of not equating terrorism with any religion or peoples, ethnicities or nationalities, and the need to address the root causes of terrorism.

86. In conclusion, he expressed the hope that the draft comprehensive convention on international terrorism would be finalized by the end of 2010; to that end, his delegation supported the creation of a working group during the current session to continue the work of the Ad Hoc Committee. He also reiterated the importance of convening a high-level conference on international terrorism to serve as a forum for identifying ways of strengthening the role of the United Nations in the fight against terrorism.

Tribute to the memory of Ms. Paula Escarameia, member of the International Law Commission

87. *At the invitation of the Chairperson, the members of the Committee observed a minute of silence in memory of Ms. Paula Escarameia, member of the International Law Commission.*

The meeting rose at 1.05 p.m.

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